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Chairman: Mr. Penke ..... (Latvia)

Contents

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Agenda item 68: Right of peoples to self-determination (*continued*)

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The meeting was called to order at 3.05 p.m.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (A/64/18 and A/64/295) (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/64/271, A/64/309, A/64/487 and A/CONF.211/8) (*continued*)

Agenda item 68: Right of peoples to self-determination (A/64/311 and A/64/360) (*continued*)

1. **Ms. Shawish** (Libyan Arab Jamahiriya) said that despite international efforts, new forms of racism continued to emerge. Her delegation strongly condemned the defamation of religions and the derogatory stereotyping and stigmatization of persons based on their religion or belief under the pretext of freedom of expression, noting the potential of such practices to incite hatred of the other, and urged States to implement paragraph 150 of the Durban Declaration and Programme of Action.

2. There was no doubt that poverty, underdevelopment, economic marginalization and blockades were linked to racism and racial discrimination. Economic disparity helped perpetuate racist stereotypes, which, in turn, generated more poverty. The heinous practice of starving and blockading the entire people of Gaza constituted a contemporary manifestation of racism.

3. The Libyan Arab Jamahiriya supported the right of peoples to self-determination and control over their own resources, in accordance with international human rights instruments and international humanitarian law. In that context, it was deeply concerned at the continued suffering of the Palestinian people living in the Occupied Territories, despite the numerous United Nations resolutions recognizing their right to self-determination and to live with dignity in a viable, independent and sovereign State.

4. As a State party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, her Government considered that the use of private security companies belonged in that category. It planned to participate in the drafting of a new convention on the organization of private security companies in 2010.

5. **Mr. Yahiaoui** (Algeria) said that the outcome document of the 2009 Durban Review Conference would allow the international community to renew its commitment to combat all forms of racism and discrimination. Traditional racism had taken new and insidious forms that targeted culture and religion, concealing its true nature. The fight against terrorism and illegal immigration were often invoked to justify racist violence and discriminatory practices. In that connection, the rise in incitement to religious hatred and Islamophobia was regrettable. Curiously, freedom of the press, which should promote respect for and acceptance of the other, was cited to explain States' failure to respond to systematic denigration of religions and beliefs. Moreover, denying peoples living under the yoke of foreign occupation the right to self-determination was a form of racism.

6. The exercise of the right to self-determination was a prerequisite for full enjoyment of all other rights recognized in international instruments. Conversely, the violation of that right constituted a violation of all human rights. At its recent summit, the Movement of Non-Aligned Countries had reaffirmed the fundamental and inalienable nature of the right to self-determination by peoples living in non-self-governing territories and in territories under foreign occupation. It was unfortunate that some peoples remained unable to exercise that right.

7. **Mr. Sial** (Pakistan) said that most of the Member States of the United Nations had gained their independence through universal recognition of the right to self-determination, a right which continued to engender hope among millions of vulnerable people. Self-determination could not be freely exercised under foreign occupation: the forcible occupation of the territory of a people whose right to self-determination had been recognized was a violation of international law and the Charter of the United Nations. However, legitimate struggles for self-determination could not be equated with terrorism. Pakistan had gained its independence by exercising the right to self-determination and therefore extended support to all other peoples entitled to exercise that right, including the peoples of Jammu and Kashmir and of Palestine.

8. Security Council resolution 47 (1948) had promised a free and impartial plebiscite in Indian-

occupied Jammu and Kashmir, to be conducted under the auspices of the United Nations. Pakistan was committed to pursuing the Composite Dialogue process with India to resolve all outstanding issues and to finding a peaceful resolution acceptable to all sides. Continuing inaction by India had thwarted the aspirations of the people of Jammu and Kashmir, who had been subjected to widespread human rights violations. A negotiated settlement should be found with the full involvement of the Kashmiri people.

9. **Mr. Attiya** (Egypt) said the right to self-determination was an acknowledgement of the entitlement of peoples under foreign occupation to resist occupation, as sacred as the right to self-defence against those who illegally imposed their economic or military power, disregarding their commitments to human rights and their claims to be proponents of democracy and freedoms. The situation of the Palestinian people was a stark example. Israel claimed to be the only democracy in the Middle East, yet it continued to occupy others' lands by force and commit human rights violations, in clear disregard for the principles of democracy.

10. The Human Rights Council had mandated the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to draft principles, guidelines and standards to regulate the activities of private security companies, in view of concern about their role in exacerbating conflicts and undermining international efforts to curb the illicit trade in small arms and light weapons, which was in turn linked to illegal exploitation of natural resources. Egypt welcomed the recommendations contained in the report of the Working Group (A/64/311). It was important to enhance the capacities of States emerging from conflict to develop their security sectors. Egypt looked forward to universal adherence to the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

11. Human rights could be respected only if selectivity, politicization and double standards were left aside. The Human Rights Council could address the human rights situation in the Occupied Palestinian Territory only if there was a determined effort to ensure Israel's adherence to international obligations and its full cooperation with the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967 and the Human Rights Council's fact-finding missions.

12. Having considered the Secretary-General's report on the universal realization of the right of peoples to self-determination (A/64/360), Egypt looked forward to the inclusion in the subsequent report of specific recommendations to facilitate the role of the Human Rights Council in addressing Israel's human rights violations in the Occupied Palestinian Territory. The reports of Judge Goldstone and the Special Rapporteur had identified gross human rights violations in Gaza that amounted to war crimes and were counter to Israel's commitments as the occupying Power.

13. The protracted occupation had multiplied the negative impacts on the population, including the ongoing blockades and economic stranglehold, the obstruction of access to humanitarian assistance, demolition of houses and the Judaization of East Jerusalem. The continuing settlement expansion, land confiscation, crossing closures and the separation Wall were all detrimental to the contiguity of Palestinian lands and to the confidence-building measures. They were compounded by recurring Israeli violations of its commitments under the International Covenant for Civil and Political Rights, particularly in relation to freedom of expression, freedom of assembly, the right to food and the right to mental and physical health.

14. The United Nations should strengthen its role in the Quartet and the confidence-building efforts to ensure respect for the human rights of the Palestinian people and other Arab peoples suffering from occupation until peace was achieved on the basis of the terms of reference of the Madrid peace process. A negotiated peace should include a full withdrawal from all Arab territories occupied since 1967 and enjoyment of the right to self-determination and all other human rights. As the Second International Decade for the Elimination of Colonialism was drawing to a close in 2010, the United Nations should reaffirm its commitment to implementing the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.

15. **Ms. Rasheed** (Observer for Palestine) said that for 42 years, the Palestinian people had endured constant threats to their national existence and systematic violations of their human rights. Israel's occupation had denied them their most basic rights and freedoms, including the rights to self-determination,

life, liberty and security of persons, movement, livelihood, education, property and development. There were illegal settlements, closures, checkpoints, home demolitions, land confiscation, destruction of civilian infrastructure and wanton killings by illegal settlers and occupying forces. The vicious siege of the Gaza Strip and the 1.4 million Palestinians living there had continued for over two years.

16. Israel's continuing strangulation of the Palestinian people and entrenchment of its illegal occupation had been the most obvious manifestation of the denial of the right to self-determination. In complete defiance of the international community and international law, United Nations resolutions and the International Court of Justice, Israel was carrying out a massive colonization campaign in the Occupied Palestinian Territory, including East Jerusalem, illegally constructing and expanding settlements and the Wall, which was intended to fortify and protect the settlements. That action was especially intense in and around occupied East Jerusalem, and Israel was actively obstructing Palestinian access to the city and physically separating it from the rest of the Territory.

17. According to the advisory opinion of the International Court of Justice, construction of the Wall and other measures were a breach of Israel's obligation to respect the Palestinian people's right to self-determination. The illegal practices undermined the territorial unity and integrity of the Occupied Palestinian Territory, in which the Palestinian people were striving to establish their independent State. The international community should continue to demand Israel's compliance with its obligations under international law. Without a freeze on settlements and their eventual dismantlement, there would be no Palestinian State to negotiate and no two-State solution. An immediate and comprehensive settlement freeze had been a consistent requirement for the resumption of negotiations.

18. Year after year her delegation drew attention to the continuing denial and violation of the Palestinian people's right to self-determination. Peace could never be achieved by subjugating an entire people and denying their inalienable rights. The Palestinian people, despite their suffering, would never give in to oppression, subjugation and injustice. They would continue to aspire to freedom and independence until the Israeli occupation ended and they could live a normal, free life in the State of Palestine, with East Jerusalem as its capital.

19. **Ms. Sabja Daza** (Plurinational State of Bolivia) said that the eradication and elimination of racism and discrimination was a pillar of Bolivian domestic policy. Article 14 of the Constitution prohibited any form of discrimination, and article 255 referred to the defence and promotion of human, economic, social, cultural and environmental rights and the rejection of all forms of racism and discrimination. In Bolivia, groups objecting to the Government's policies, which benefited the majority, had caused acts of violence against indigenous and intercultural communities. Nevertheless, a bill to combat discrimination, xenophobia and related forms of intolerance was currently before the National Congress. Furthermore, the Ministry of Cultures, with its Vice-Ministries for decolonization and intercultural issues, worked to eliminate all forms of discrimination and racism and promote national integration.

20. Her Government's national development plan for the period 2006-2010 offered a comprehensive and diversified model based on decolonization and an intercultural society, which were also the basis for the national plan of action on human rights. Governmental and civil society organizations had reached an agreement to implement arrangements for combating racism, racial discrimination, xenophobia and other forms of intolerance which would consolidate the ongoing dialogue with a broad agenda that included the commitments made in the Durban Declaration and Programme of Action as well as the outcome document of the Durban Review Conference. Affirmative measures were planned for native indigenous farming peoples and other groups, as well as measures against slavery, servitude, smuggling of migrants and human trafficking. Her country, out of respect for the ancestral memory of peoples, the preservation of cultural diversity and the promotion of dialogue among civilizations, confirmed its decision to eradicate racial discrimination.

21. In the twenty-first century, many were questioning capitalism and globalization, which had left people in underdevelopment and poverty. Alternatives were offered by the new philosophy of "living well" in harmony and dignity, which involved a return to an earlier way of living, in community and solidarity, and above all respect for Mother Earth.

22. **Mr. Mamdouhi** (Iran) said that the Ad Hoc Committee on Complementary Standards should work to complete the measures taken by the international community at the Durban Review Conference, which had offered a unique opportunity to rebuild and renew international consensus and engagement in the struggle against racism. An unfortunate upsurge in discriminatory practices meant that many peoples' lives were affected by racism and racial discrimination. Despite significant progress in developing normative standards and protective instruments, old forms of racism still persisted, while new ones were emerging. Modern-day racism, increasingly based on culture or nationality, was widely disseminated in the media, including the Internet.

23. Considering the substantive role of human rights mechanisms in realizing the Durban Declaration and Programme of Action, his delegation attached great importance to the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The integrity of the mandate should be fully maintained throughout the reporting process, with due regard to the terms of reference adopted by the General Assembly and the Human Rights Council.

24. The most pertinent issues for the Ad Hoc Committee were defamation of religions, especially of Islam, Islamophobia and racial and religious profiling. All of its discussions should be clearly linked to the subject of racism in the framework of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. It was unacceptable to address any issue not falling within the Committee's mandate.

25. Special attention should be given to the rights of people living under prolonged occupation who suffered racist and discriminatory policies and practices on a daily basis. Systematic human rights violations in the Occupied Palestinian Territory, emanating from the racial attitudes of the occupying Power, remained a matter of deep concern. The international community should continue to address its responsibility to eliminate all forms of racism and to end the suffering of the Palestinian people.

26. **Mr. Al-Mutairi** (Kuwait) said that the prevailing culture of hatred, intolerance and war must give way to a culture of dialogue and coexistence that rejected extremism, intolerance and discrimination. His Government had taken numerous legal and practical measures to eliminate racial discrimination, including accession to all relevant international agreements. Furthermore, the Kuwaiti Constitution guaranteed full equality and justice to all members of society. In pursuit of international cooperation in human rights and the elimination of racial discrimination, his Government had acceded to a number of international conventions in that area.

27. Kuwait strongly condemned the Israeli violations of the basic rights of the Palestinians living in the Occupied Territory, stressing the need to protect them from discriminatory and isolating policies exemplified by the separation wall built by Israel. The report of the United Nations Fact Finding Mission on the Gaza Conflict confirmed Israel's perpetration of war crimes and crimes against humanity.

28. **Mr. Mamdouhi** (Iran) said that the right to self-determination was fundamental for realization of all the other rights of the Palestinian people. The Israeli regime had obstructed the realization of that right for 60 years, causing human rights violations, suffering and instability. Several specific United Nations resolutions had for decades reaffirmed the Palestinian people's right to self-determination. In January 2009, the Human Rights Council had decided in its resolution S-9/1 to dispatch an urgent, independent international fact-finding mission to investigate all violations of international human rights law and international humanitarian law in the occupied Gaza Strip. The report of that mission, the Goldstone report (A/HRC/12/48), had confirmed that gross human rights violations, war crimes and crimes against humanity had been committed during the military aggression by the occupying regime.

29. The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 had stated in his report to the General Assembly (A/64/328) that the situation in Gaza had continued to deteriorate and that there were grave breaches of the Fourth Geneva Convention and violations of international human rights law. The blockade was keeping out basic necessities, health conditions had further worsened and building materials needed because of destruction during the 22-day Gaza War had been disallowed entry. The United Nations should take action to protect the civilian population.

30. The Zionist regime refused to comply with the ICJ advisory opinion that construction of the Wall severely impeded the Palestinian people's right to self-determination. Its refusal to withdraw from all Palestinian territories and its continuation of settlements were a manifest mockery of justice and human rights. The regime should return their ancestral lands to the people of Palestine. The rejection of their right to self-determination through the occupation was a grave denial of fundamental human rights. Concrete measures should be taken to address the occupying Power's non-cooperation. The Palestinian people should be able to freely determine their political status and pursue their development, with the return of refugees to their homes and the establishment of an independent Palestinian State.

31. **Mr. Desta** (Eritrea) said that his country, having fought for several generations to attain self-determination and independence, reaffirmed the right of all peoples to self-determination, as enshrined in the Charter of the United Nations and the international human rights covenants. Racism, racial discrimination and the politics of exclusion had regional and international implications for peace and security, and the struggle against racism should take place at all levels. The equal participation of national, religious and linguistic minorities contributed to political and social stability and enriched the cultural diversity and heritage of society. His delegation welcomed the outcome document of the Durban Review Conference, and as a party to most of the core human rights instruments, it would continue to advocate the speedy implementation of all the commitments made to eliminate the scourge of racism, racial discrimination, xenophobia and related intolerance.

32. **Mr. Seetoh** Kin Choong (Singapore) said that his country, with a diverse population that included representatives of many races and faiths, addressed challenges relating to racial and religious intolerance with mutual confidence, respect and understanding. The Constitution guaranteed equality for all and prohibited discrimination on the grounds of religion, race, descent or place of birth. Public policies were secular and ethnic groups were encouraged to study their own mother tongue in schools and follow their own religion and cultural traditions. Education was an important contribution and a community engagement programme was designed to strengthen understanding and ties between people of different races and religions. A key component was the inter-racial and religious confidence circles, whose members included leaders from local religious and ethnic organizations.

33. Principles and ideals had to be backed up by firm action. The Maintenance of Religious Harmony Act allowed for intervention in cases of conflict between different races and religious groups. The Penal Code criminalized acts that deliberately wounded religious or racial feelings or promoted enmity between different groups. In view of increasing levels of immigration, the National Integration Council implemented strategies to promote greater social integration, including visits to new immigrants to help them settle in the community.

34. Despite the high level of inter-racial and inter-religious tolerance and respect in Singapore, dangerous and extremist ideas could easily be promulgated and it was important to pay attention to increasing religiosity. While religion was a positive force, religious fervour in extremis could lead to negative side effects such as dogmatism and intolerance. Singapore was committed to the path of maintaining racial and religious harmony.

35. **Mr. Koh** Sang-wook (Republic of Korea) said that his delegation welcomed the adoption by consensus of the outcome document of the Durban Review Conference and highlighted the need to enhance the effectiveness of follow-up mechanisms to the Durban Declaration and Programme of Action. Any complementary standards should not duplicate, undermine or contradict existing international human rights law. The report of the second session of the Ad Hoc Committee on Complementary Standards clearly showed that a significant number of delegations, including his, were not convinced of the need to set up a new legally binding instrument. Rather, enhanced application of existing instruments was the most reasonable and efficient way to bridge the gap between standards and reality.

36. As part of its efforts to fight racial discrimination, his Government had introduced a new educational curriculum that stressed humanitarianism and human rights. In addition, civil society organizations helped the Government build an inclusive society by providing foreign workers with such services as counselling, language and cultural instruction and legal advice. At the regional and international levels, the Government was participating in interfaith dialogue

and had recently co-hosted the Fifth Asia-Europe Meeting (ASEM) Interfaith Dialogue in Seoul that September.

37. **Mr. Abdul Momen** (Bangladesh) said that little progress had been made in the fight against racism, racial discrimination, xenophobia and related intolerance since the adoption of the Durban Declaration and Programme of Action. Recent years had witnessed the rise of new forms of racism that posed serious threats to the enjoyment of human rights. In that context, the Durban Review Conference had served as an opportunity to rebuild a strong international consensus in the struggle against racism.

38. Racism remained at the root of innumerable conflicts and human tragedies, including war, genocide, ethnic cleansing and slavery. Expressing the hope that ill-intentioned efforts to justify and legitimize racism and xenophobia would be rejected, he pointed out that such emerging forms of racism must be addressed, lest their spread pose greater challenges for the international community.

39. Given the interplay between racism and poverty, efforts to eliminate racism must be undertaken in conjunction with poverty eradication and human development initiatives. In addition, affluent countries should rethink restrictive — and, in some cases, overtly discriminatory — policies that targeted asylum-seekers, refugees and migrants.

40. The Constitution of Bangladesh prohibited discrimination on the grounds of race, religion, caste, creed, gender or place of birth. Committed to maintaining the communal and religious harmony that had reigned for some time, the Government denounced racism and racist practices and would continue collaborating with civil society to raise public awareness of the issue. Interfaith and intercultural dialogue aimed at promoting tolerance and mutual understanding was another important means of combating racism. To that end, Bangladesh would continue to promote the concept of a culture of peace.

41. **Mr. Garayev** (Azerbaijan) said that Armenia had misinterpreted the principle of the right to self-determination to justify its use of force and ethnic cleansing to tear away a part of the State of Azerbaijan, in violation of international law. The right to self-determination, as defined under international law, did not grant a breakaway entity the right to secede from a sovereign State, and it was a priori ruled out when the alleged attempt to exercise it entailed flagrant violations of international law. Another measure of the illegality of the Armenian action was its establishment and support of an ethnically constructed separatist entity in occupied Azerbaijan. In contrast, his Government's approach to the right to self-determination envisaged achieving peaceful coexistence between Azerbaijani and Armenian communities of the Nagorny Karabakh region within the territorial framework of the Republic of Azerbaijan, with Armenian withdrawal from all occupied Azerbaijani territories and the return of displaced Azerbaijanis to their homes as obvious prerequisites. Any steps to undermine international law, which was based on respect for the territorial integrity of existing States, would contribute to increased instability and have unforeseeable consequences.

42. **Mr. Schlosser** (Israel) said that the Israeli people, and indeed all Jews, understood the need to confront all forms of racism, racial discrimination and related intolerance. Despite near-universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, there had been an alarming rise in racist acts, and racism and xenophobia were creeping into national agendas and mainstream speech. Anti-Semitism, often in the guise of anti-Zionism, must be unmasked, not mistaken for ordinary political discourse. Showing absolute disregard for the Charter of the United Nations, the Iranian President repeatedly called for the destruction of Israel, a Member State, before the General Assembly and denied the right of the Jewish people to self-determination. In the light of such sentiments, he hoped that the Palestinian people would find better friends. It was regrettable that the Durban process, the declared purpose of which was to address prejudice, had been tainted by its focus on the Middle East conflict, which was political, not racial, in nature.

43. As the Jewish people had suffered for centuries from racism, xenophobia, persecution and genocide, the necessary struggle against those ills would always find in Israel, the State of the Jewish people, a ready partner. The upcoming commemoration of Kristallnacht, the infamous night when nascent anti-Semitism had exploded into the maelstrom that would consume much of world Jewry, would provide an occasion to draw upon the lessons of the past for guidance moving forward. In that connection, a number of United Nations resolutions on Holocaust

remembrance and education had been adopted. Political leaders might reinforce such lessons and set an example by making a public commitment to combating all forms of prejudice.

44. His Government stood ready to engage in a meaningful dialogue with the goal of lasting peace and coexistence. In approaching such a dialogue, all parties must allow the accumulated, corrosive layers of prejudice to fall away and cease poisoning the minds of future generations.

45. **Mr. Hariprasad** (India) said that the leaders of his country's struggle for freedom from colonial rule, conscious of the destructive impact of racism and racial discrimination on society, had ensured that the Indian Constitution would enshrine the basic value of equality, an integral part of the fabric that bound a diverse country like India together. India's independent judiciary safeguarded the rights of its citizenry, while a free and vibrant media and vocal civil society further reinforced them.

46. Given that the fight to rid the world of racial discrimination and colonization had been an integral part of Indian foreign policy after independence, his Government supported national and international efforts to combat racism and shared the concern of other countries at the increase in racist incidents around the world. India also welcomed the outcome document of the Durban Review Conference and reiterated its commitment to work towards more effective implementation of the Durban Declaration and Programme of Action.

47. An active supporter of the Palestinian people's right to self-determination and exercise of its inalienable rights, India believed that the solution to the Palestine issue should be based on the relevant United Nations resolutions, the Arab Peace Initiative and the road map to Mideast peace, resulting in a sovereign, independent, viable and united State of Palestine within secure and recognized borders.

48. While people living in non-self-governing territories had the right to self-determination, that right could not be extended to ethnic, religious or other groups within an independent, sovereign State, as attempts to exploit that right in order to erode the territorial integrity of a Member State constituted an attack on the fundamental principles of the Charter of the United Nations. In that connection, he regretted the unacceptable reference made by the representative of Pakistan to the Indian State of Jammu and Kashmir, an integral part of the Union of India whose people regularly participated in free and fair elections. Pakistan would do better to focus on combating terrorism within its territory, so as to create conditions for meaningful dialogue.

49. As citizens of the largest democracy in the world, Indians were proud of their democratic traditions. For the fifteenth time in its history, the Indian electorate had recently voted in a new Lower House of Parliament.

50. **Mr. Hijazi** (Observer for Palestine) said that the effects of racism went beyond the deep-seated scars sustained by its victims, severing the bonds between cultures and communities and replacing cultural tolerance with fear, suspicion and violence. The previous century of Palestinian experience stood as a painful testament to how racism had destroyed the history and future of an entire people, beginning with the unlawful promise of the Palestinian homeland by those who did not have rights to it to another people. Palestine refugees — who constituted the majority of the Palestinian people — continued to be subjected to the harshest manifestations of racism by the occupying Power.

51. In the report of the United Nations Fact Finding Mission on the Gaza Conflict, Judge Richard Goldstone had concluded that Israel's application of its domestic laws throughout the Occupied Palestinian Territory had resulted in institutionalized discrimination against Palestinians living in the Territory, to the benefit of illegal Israeli settlers and in contravention of international human rights and humanitarian law. Israel used nearly 40 per cent of the Occupied West Bank for settlement-related purposes, restricting Palestinian movement and access to land, water and livelihood in order to allow Israeli settlers to circulate freely. Israel had also adopted laws that openly discriminated against its Palestinian citizens, such as the bill introduced by the right-wing Yisrael Beiteinu Party outlawing the commemoration of the Palestinian Nakba. The appointment of extremist Avigdor Lieberman, who had advocated for the expulsion of Palestinian Israelis from Israel, as Foreign Minister, spoke volumes about the degenerate racism driving Israeli policy. Palestinian citizens of Israel showed admirable courage in confronting the right-wing campaign that portrayed them as a demographic time bomb and a fifth column.

52. Yielding to Israel's demand for recognition of its supposed Jewish nature would require Palestinians to forgo their history and rights and endorse a racist attitude that ran counter to the modern notion of democratic political systems based on the equal rights of all citizens of the State, regardless of their ethnic or religious affiliation. Israel, the occupying Power, held the dubious distinction of being the most frequent violator of international conventions and international humanitarian law. In order to give the two-State solution a real chance, Israel must refrain from all illegal actions, including construction of the separation wall and destruction of thousands of homes, and bring 42 years of racist occupation to an end.

53. **Ms. Khoudaverdian** (Armenia) said that human rights on an individual and group level were independent and indivisible, and advocacy of the enhancement of one at the expense of the other was an attempt to avoid full recognition of the right to self-determination. Despite the universal recognition of that right, its practical realization required political will and courage. Unfortunately, attempts to suppress the realization of the right to self-determination continued to lead to military conflict.

54. Claims for self-determination should be considered on their own merits and against the historical, political and legal background of each case. An attempt to juxtapose the principles of self-determination and territorial integrity, giving one priority over the other, was no recipe for success. A balanced framework was needed to reconcile those two principles to produce an outcome that was not detrimental to the values of democracy and human freedom.

55. Human rights values were common to all people, including the people of Nagorny Karabakh, who were pursuing their inherent right to self-determination through a negotiated compromise. Azerbaijan continued to reject their proposals for a peaceful and lawful resolution. Its use of mercenaries was not a new development: some 16 years earlier, Azerbaijan had retained the services of about 2,000 mercenaries for the war with Nagorny Karabakh, some of whom were now internationally wanted terrorists.

56. The secession of Nagorny Karabakh from Soviet Azerbaijan had taken place through a referendum, peacefully and legally, in full accordance with the principles of international law and the Soviet legislation of the time. No rewriting of history could change the actual course of events. Nagorny Karabakh, having exercised its right to self-determination, was currently trying to free itself and build an open and democratic society in which the rights and freedoms of its citizens were guaranteed. Presidential, parliamentary and local elections had been held for the past 20 years in accordance with decisions of the Organization for Security and Cooperation in Europe (OSCE), a testimony to its democratization. There could be no one-size-fits-all solution for such a complex and sensitive issue. In the twenty-first century, the political will of the people should prevail in resolving issues relating to the right to self-determination.

57. **Mr. Dall'oglio** (International Organization for Migration (IOM)) said that intensifying international migration pressures challenged Governments and civil society to accommodate and gain from the resulting diversity in ways that promoted mutual understanding, peace and respect for human rights. In the context of the current financial crisis, community relations could become strained as migrants were often perceived as competing with the native labour force. Governments tended to adopt a hardened attitude towards migrants, sending them home despite their crucial role in bringing about economic recovery. Discrimination against migrants risked igniting marginalization and xenophobia, which would adversely affect the well-being of migrants and of host societies.

58. In an interdependent world, isolationism was not an option. Integration was a dynamic, two-way process of mutual adjustment and accommodation of migrants and the host community, shaped to a large extent by the host Government's integration policies. IOM had been particularly active over the previous year, helping Governments minimize discrimination and xenophobia. Recognizing the need for a broad coalition of partners to facilitate migrant integration, it had also been collaborating with the Alliance of Civilizations on diversity and integration initiatives. In a world where migration was all too often perceived as a threat to national identities and social cohesion, it was crucial to underline the positive — and, in the current economic climate, easily overshadowed — impact of migration on host countries, and to ensure that integration policies accompanied the management of migratory flows.

59. **Ms. Halabi** (Syrian Arab Republic) said that her country appreciated the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Expressing concern at the rise in incitement to religious hatred, she pointed out that the media and new information technologies such as the Internet were being used to propagate a deliberately distorted image of certain religions and cultures, leading to prejudice, hatred or feelings of superiority. The systematic targeting of Arabs and Muslims, ostensibly to combat terrorism, was a significant issue that deserved attention.

60. There had been a drastic rise in racially discriminatory policies in the Middle East. The Palestinian people continued to be subjected to targeted killing in an attempt to eliminate or expel them and to prevent them from pursuing their legitimate claims. Illegal settlements continued to be built in the Occupied Territories along plainly racial and religious lines, in order to alter the demographic situation on the ground. In that context, there was an urgent need for resolute and concerted international action to eradicate such dangerous phenomena.

61. With regard to self-determination, the Syrian Arab Republic had acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries in 2008. Her Government deplored the human rights violations committed by Israel, in particular its denial of the Palestinian people's right to self-determination, in spite of repeated demands for it to abide by its obligations under international law. It was unfortunate that the United Nations remained unable to take action against Israel's violations and live up to its responsibilities towards the Palestinian people.

Statements made in exercise of the right of reply

62. **Ms. Viktorova** (Russian Federation) said that the representative of Georgia had distorted the events of August 2008 and the subsequent period. It was now possible to consider objectively who was responsible for the tragedy that had occurred, which would help to prevent a repetition of such criminal acts in the future. A key conclusion of the report of the Commission established by the European Union was that the current Georgian administration was responsible for the aggression unleashed against peaceful South Ossetia on the night of 8 August 2008. It was regrettable and unacceptable that the aggressor, clearly named in the Commission's report, was trying to shift the blame onto others and present itself to the Committee as a victim. Her delegation could not agree to the attempt made to prejudge the outcome of the case in the International Criminal Court.

63. **Mr. Sial** (Pakistan), in reply to comments made by the representative of India, said that Pakistan rejected the claim that Jammu and Kashmir was an integral part of India. A number of United Nations resolutions had recognized Jammu and Kashmir as disputed territory and the Security Council's call for a free and fair plebiscite under United Nations auspices had not yet been implemented. It was also well-known that the elections in Indian-occupied Jammu and Kashmir had been rejected by the population and by the Security Council.

64. The representative of India had tried to create a linkage between the Jammu and Kashmir dispute and terrorism. The international community had acknowledged Pakistan's role as a frontline State in fighting terrorism and despite the fact that Pakistan was itself a victim of terrorism, his country's resolve to fight it had not wavered. Legitimate struggles to claim the right to self-determination could not be equated with terrorism.

65. Although the dispute over Jammu and Kashmir was an international issue, it had been agreed that it would be addressed bilaterally through the Composite Dialogue. His Government had advanced several constructive ideas to resolve the dispute and was awaiting substantive progress towards a resolution. His delegation reserved the right to refer to that issue at the United Nations as necessary.

66. **Mr. Mamdouhi** (Islamic Republic of Iran), in reply to comments made by the representative of the regime of the occupied Palestinian territories, said that he rejected the absurd distortions of truth put forward by that representative and its baseless allegations against the Islamic Republic of Iran. He condemned the misuse of the Committee's debates to pursue unwarranted political goals. His country had always condemned acts of war or destruction against any country or entity, as well as genocide against any race, ethnic group or religious group, as a crime against humanity. There could be no explanation for the Zionist regime's unfortunate attempts to display innocence and to exploit its past crimes as a pretext for committing further acts of genocide and crimes against

humanity, such as those committed by the occupying Power during the 22-day military aggression against the defenceless people of the Gaza Strip. It had resulted in the brutal massacre of more than 400 civilians and the injuring of thousands more, including many innocent women and children. The long-lasting occupation and brutality against innocent Palestinian people and the violation of their basic human rights on a daily basis did not establish any kind of legitimacy or reason to impede their right to self-determination.

67. **Mr. Garayev** (Azerbaijan), responding to the statement made by the representative of Armenia, said that Armenia bore primary responsibility for the occupation of Nagorny Karabakh and the surrounding areas and the establishment on those territories of an ethnically constructed subordinate separatist entity which survived by virtue of Armenia's military support. The practical realization of the right to self-determination as stipulated in the relevant international documents was a legitimate process to be carried out in accordance with international and domestic law. In relation to the conflict between Armenia and Azerbaijan, all actions aimed at tearing away part of the territory of Azerbaijan were clearly unconstitutional and a violation of other international legal principles, such as the rule prohibiting the use of force and the annexation of territory. Armenia's revisionist claims with regard to self-determination were contrary to and unsustainable in international law.

68. Armenia had no moral or legal right to compare its occupation with the legal right to self-determination of peoples under occupation fighting for their independence. A report to the Secretary-General on the use of mercenaries (A/49/362) had referred to unquestionable facts testifying to the active use by Armenia of mercenaries to attack Azerbaijan.

69. The referendum conducted in Nagorny Karabakh had been held after the occupation of part of Azerbaijan and the expulsion of the Azerbaijani population and had therefore not been recognized by the international community. Azerbaijan considered the views expressed by Armenia as unconcealed propaganda for aggression and an obvious attempt to mislead the international community and its own people by blatant distortion of facts and a challenge to efforts for an early political settlement. Instead of contributing to restoring peace security and stability in the region and putting an end to the protracted conflict, Armenia preferred bellicose rhetoric and escalation, with unpredictable consequences. Armenia's position demonstrated that it was far from even thinking of engaging in a sober and effective search for peace.

70. **Ms. Shanidze** (Georgia) said that the Russian Federation seemed to have translated the Tagliavini report in accordance with its national interests. She would answer the false, groundless and shameless allegations made against her country by referring to the findings of the independent international fact-finding mission. According to chapter 7, volume II, of the report, during the conflict and after the ceasefire the South Ossetian forces, in close cooperation with Russian forces, had carried out a campaign of deliberate violence against ethnic Georgians. The campaign of violence had included: summary executions, rape and sexual and gender-based violence, ill treatment and torture of detained combatants and other persons, illegal detention of civilians, arbitrary arrests, abduction and taking of hostages, discriminatory treatment of ethnic Georgians on the territories under the control of proxy regimes of South Ossetia and Abkhazia, including limitation of freedom of movement, denial of their right to education in their mother tongue, pressure to obtain Russian citizenship and passports, a systematic and widespread campaign of pillage and looting during and after the conflict; and destruction of property, including the burning of homes and other civilian buildings in villages inhabited predominantly by ethnic Georgians, including in so-called buffer zones.

71. According to various testimonies, days prior to the outbreak of the conflict, ethnic Georgians left because of the shelling of their villages in South Ossetia. When the conflict had broken out, displacements had increased because of the hostilities and continued owing to threats, harassment and other violations of international humanitarian law and human rights law committed by the Russian and South Ossetian forces. Numerous cases of ill treatment, beating, kidnapping, arbitrary arrest and detention in the course of their displacement during the conflict and its aftermath had been reported.

72. **Mr. Schlosser** (Israel) said that the observer for Palestine, despite his suggestion to leave rhetoric aside and move to action in the peace process, had made a rhetorical and entirely one-sided statement. He had not referred to the long struggle of the Palestinian people to destroy Israel through terror, Israel's total withdrawal from Gaza in 2005 or the taking of control

in Gaza by Hamas, the Palestinian terror organization that continued to launch missiles on Israeli cities deliberately and indiscriminately. The Israeli foreign Minister had been criticized and intentionally misquoted. That was the kind of rhetoric that should be avoided if peace was to be achieved.

73. He would not respond to the comments of Syria, a country which was not exactly a hero of human rights. Syria's own citizens could enjoy more freedom and full civil rights were not granted to the Palestinians living in Syria. The Islamic Republic of Iran, as usual, failed to mention the name of Israel, a Member State of the United Nations, once again confirming its denial of the right of the people of Israel to self-determination. It was unfortunate that his Palestinian colleague did not distance himself from that kind of support.

74. **Ms. Khoudaverdian** (Armenia), in reply to the statement made by the representative of Azerbaijan, said that the Azerbaijani authorities had unleashed a policy of ethnic cleansing, mass killings and military aggression against the peaceful Armenian population of Nagorny Karabakh. Only a negotiated, comprehensive agreement could bring long-lasting peace and stability to the region, and security and well-being to its population.

75. **Mr. Hijazi** (Observer for Palestine), in reply to comments made by the representative of Israel, said that he had not made unfounded claims but had referred to a well-documented reality. An outstanding Israeli peace activist, Uri Davis, had begun documenting Israeli apartheid as far back as 1987 in his book "Israel: an apartheid State". He and other courageous writers believed in equality and abhorred racism and were committed to countering it. Yet they were not really attacking the State of Israel but rather defending it. Some world leaders had also broken their silence after years of diplomatic efforts to end Israeli racism without having to label it as such. Former United States President Jimmy Carter had published his book "Palestine: Peace not Apartheid" in 2006. Any reputable international organization or group examining the events in the Occupied Palestinian Territory, including East Jerusalem, would correctly conclude that racism and discrimination were at the heart of the reality that Palestinians suffered under Israeli occupation.

76. The Goldstone report (A/HRC/12/48) had also documented that reality. The Palestinians' long and legitimate struggle was supported by the international community, while Israel had the unenviable position of being the single most frequent violator of international humanitarian law and conventions, Security Council resolutions and General Assembly resolution 181 (II), the resolution that founded the State of Israel. As for Gaza and the internal Palestinian situation, he had not yet referred to the arming of Israeli settlers and the militias which uprooted trees and killed and tortured Palestinians on a daily basis. He had not yet referred to the mafia that made bombs and caused explosions. As for the supposed withdrawal from Gaza, it had left Gaza in a state of medieval siege that prevented the entry of food or fuel and denied every right while Israel waged a war that everyone described as barbaric.

77. **Ms. Halabi** (Syrian Arab Republic) categorically rejected the allegations made by the representative of a State that, given its record of occupation, perpetration of the most abominable forms of racism and violation of human rights, was unfit to discuss her country's human rights situation. The Syrian Arab Republic had never occupied the territories of another country, nor had it ever attacked a neighbouring country. Furthermore, the 2008 report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/64/13) attested to the legal measures adopted by the Syrian Government to ensure equal treatment of Palestine refugees before the law while preserving their Palestinian citizenship until their return to their country, in accordance with General Assembly resolution 194 (III) of 1948.

78. **Mr. Mamdouhi** (Islamic Republic of Iran) said that the issue at stake was not the occupying regime's name but rather its distortion of the facts in order to evade its main dilemma, namely, the lack of legitimacy that arose from more than 60 years of occupation and brutality in the Occupied Palestinian Territory.

79. **Mr. Garayev** (Azerbaijan) said that Armenia, out of its open disregard for the fundamental principles of international law, avoided referring to the authoritative documents adopted by the Security Council and the General Assembly on the issue. Recognizing that Nagorny Karabakh was an integral part of the sovereign State of Azerbaijan and decrying the use of force as inadmissible, those documents called for the immediate, full and unconditional withdrawal of the occupying forces from Azerbaijan.

The meeting rose at 5.55 p.m.